



**National Science Foundation • Office of Inspector General**

2415 Eisenhower Avenue, Alexandria, Virginia 22314

June 13, 2019

Emma Best

[74905-80551490@requests.muckrock.com](mailto:74905-80551490@requests.muckrock.com)

Via E-mail

RE: FOIA Request No. 19-016

Dear Ms. Best:

You filed a request under the Freedom of Information Act (FOIA), 5 USC 552 and the National Science Foundation Office of Inspector General (NSF OIG) received the request on June 5, 2019. The request you filed was assigned the following number: F-2019-016. In your own words, you seek the following:

*copies of **records** mentioning or describing audits, reviews, investigations or reports regarding the agency's cyber security, including audits or investigations regarding the state of the agency's cyber security regarding potential attacks as well as audits and investigations conducted in the wake of a suspected or actual cyber attack, hacking incident or breach. Please include materials generated between 1 January 1996 and 30 June 2016.*

(Emphasis added). After reviewing the scope and substance of the request, the NSF OIG FOIA office sent a request for clarification on June 6, 2019. As explained in the June 6, 2019 correspondence, the word “records” is broadly defined in the Federal Records Act. Thus, your request for records, with such a wide date range, and without further clarification, is overly broad. On this basis, your request is being administratively closed.

As also mentioned in the June 6, 2019 correspondence, you may find it helpful to spend some time on the NSF OIG web page, to familiarize yourself with the sorts of records that are already publicly available. The audit reports date back to 2002 and the investigations close-out memoranda date back to 1989. In other words, you may be able to find much of what you seek by simply perusing what is already online.

If you seek further assistance or wish to discuss any aspect of your request, please contact me, the OIG’s FOIA Public Liaison, at (703) 292-7100 or [foiaoig@nsf.gov](mailto:foiaoig@nsf.gov). Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-

6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at (202) 741-5770; toll free at 1(877) 684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with the OIG's response to your request, you may administratively appeal by writing to the Counsel to the Inspector General, Kenneth Chason, Office of the Inspector General, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314. Alternatively, you may appeal directly to the General Counsel of the Foundation, at the same address.<sup>1</sup> Your appeal must be postmarked or electronically transmitted within 90 days from the date of this response.

Additionally, please note that Congress has excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Sincerely,

/s/

Elizabeth Sweetland  
Assistant Counsel to the Inspector General  
National Science Foundation  
Office of Inspector General

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<sup>1</sup> For appeals to NSF's General Counsel, note the requirements of 45 C.F.R. § 612.9(a): "You must make your appeal in writing and it must be received by the Office of the General Counsel within ten days of the receipt of the denial (weekends, legal holidays, and the date of receipt excluded). Note that this 10-day time period has been superseded by recent legislation enacting a 90-day time period, referenced above. Clearly mark your appeal letter and the envelope 'Freedom of Information Act Appeal.' Your appeal letter must include a copy of your written request and the denial together with any written argument you wish to submit."